

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GS HOLISTIC, LLC,
Plaintiff,
v.
BASEL MASOUD, et al.,
Defendants.

Case No. [22-cv-07637-AGT](#)

**ORDER RE: PLAINTIFF'S MOTION
FOR LEAVE AND MOTION FOR
EXTENSION OF TIME TO PERFECT
SERVICE**

Re: Dkt. No. 33


Plaintiff filed a motion for leave and extension of time to perfect service, and leave to serve defendant Basel Masoud through the U.S. Marshals Service. Dkt. 33. Plaintiff's amended complaint was filed September 7, 2023, and Plaintiff had 90 days from that date to serve Defendants. *See McGuckin v. United States*, 918 F.2d 811, 813 (9th Cir. 1990); Fed. R. Civ. P. 4(m). There appears to have been no further attempts at service after October 2023. *See* dkt. 33-5. Plaintiff represents that difficulties in serving defendant Basel Masoud and excusable neglect, in the form of a "calendaring error," caused this delay. *See* dkt. 33 ¶¶ 4–6; dkt. 33-2 ¶ 11–13. A failure to prosecute can be grounds for dismissal. *See* Fed. R. Civ. P. 41(b); *Oliva v. Sullivan*, 958 F.2d 272, 274 (9th Cir. 1992).

The Court GRANTS Plaintiff's motion for leave and motion for extension of time of 60 days to perfect service. A failure to serve Defendants by May 13, 2024, may result in dismissal pursuant to Federal Rule of Civil Procedure 41(b).

The Court DENIES Plaintiff's request for leave to serve defendant Basel Masoud through the U.S. Marshals Service.

IT IS SO ORDERED.

Dated: March 14, 2024



Alex G. Tse
United States Magistrate Judge